

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TUFAMERICA, INC.,

Plaintiff,

v.

MICHAEL DIAMOND, ADAM HOROVITZ,  
and ADAM YAUCH, p/k/a BEASTIE BOYS,  
UNIVERSAL MUSIC PUBLISHING, INC.,  
UNIVERSAL MUSIC PUBLISHING GROUP,  
BROOKLYN DUST MUSIC, and CAPITOL  
RECORDS, LLC,

Defendants.

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Case No. 12 CV 3529 (AJN)

**NOTICE OF FILING OF BILL OF  
COSTS AND OF REQUEST TO  
CLERK TO TAX COSTS**

**TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

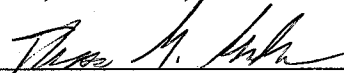
PLEASE TAKE NOTICE that defendants Michael Diamond, Adam Horovitz, the Estate of Adam Yauch and Brooklyn Dust Music (collectively, the “Beastie Boys Defendants”) have filed a Bill of Costs in this matter under 28 U.S.C. §§ 1920, 1924, Fed. R. Civ. P. 54(d)(1), and Local Rule 54.1. The Bill of Costs was served on you and filed with the Court on April 27, 2015. According to Local Rule 54.1, the Clerk will tax the costs, based on the Bill of Costs filed and served, on May 12, 2015 at 9:30 a.m., unless you file written objections no later than May 11, 2015.

Dated: New York, New York  
April 27, 2015

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By:

  
\_\_\_\_\_  
Theodore C. Max, Esq. (TM-1742)

Kenneth B. Anderson, Esq. (KA-9923)

Thomas M. Monahan, Esq. (TM-1984)

30 Rockefeller Plaza

New York, New York 10112

Tel: (212) 653-8700

Fax: (212) 653-8701

*Attorneys for Defendants*

*Michael Diamond, Adam Horovitz,*

*the Estate of Adam Yauch, p/k/a Beastie Boys*

*and Brooklyn Dust Music*

## UNITED STATES DISTRICT COURT

Southern

District of

New York

TUFAMERICA, INC.

## BILL OF COSTS

V.

MICHAEL DIAMOND et al.,

Case Number: 12 CV 3529 (AJN)

Judgment having been entered in the above entitled action on 3/26/2015 against TUFAMERICA, INC.,  
 the Clerk is requested to tax the following as costs:

Fees of the Clerk .....	\$ _____
Fees for service of summons and subpoena .....	_____
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case .....	3,569.65
Fees and disbursements for printing .....	_____
Fees for witnesses (itemize on page two) .....	0.00
Fees for exemplification and copies of papers necessarily obtained for use in the case .....	_____
Docket fees under 28 U.S.C. 1923 .....	_____
Costs as shown on Mandate of Court of Appeals .....	_____
Compensation of court-appointed experts .....	_____
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 .....	_____
Other costs (please itemize) .....	_____
TOTAL	\$ 3,569.65

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

## DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

- ☒ Electronic service by e-mail as set forth below and/or.  
☐ Conventional service by first class mail, postage prepaid as set forth below.

s/ Attorney: \_\_\_\_\_

Name of Attorney: Thomas M. MonahanFor: M. Diamond, A. Horovitz, the Estate of A. Yauch and Brooklyn Dust MusicDate: 4/27/2015

Name of Claiming Party

Costs are taxed in the amount of \_\_\_\_\_ and included in the judgment.

By: \_\_\_\_\_

Clerk of Court

Deputy Clerk

Date

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

TUFAMERICA, INC.,

Plaintiff,

v.

MICHAEL DIAMOND, ADAM HOROVITZ,  
and ADAM YAUCH, p/k/a BEASTIE BOYS,  
UNIVERSAL MUSIC PUBLISHING, INC.,  
UNIVERSAL MUSIC PUBLISHING GROUP,  
BROOKLYN DUST MUSIC, and CAPITOL  
RECORDS, LLC,

Defendants.

-----X

Case No. 12 CV 3529 (AJN)

**DECLARATION OF THOMAS M.  
MONAHAN IN SUPPORT OF THE  
BEASTIE BOYS DEFENDANTS'  
BILL OF COSTS**

I, THOMAS M. MONAHAN, hereby declare as follows:

1. I am an associate at the law firm of Sheppard, Mullin, Richter & Hampton LLP ("Sheppard Mullin"), and counsel to defendants Michael Diamond, Adam Horovitz, the Estate of Adam Yauch and Brooklyn Dust Music (collectively, the "Beastie Boys Defendants") in the above-referenced action. I am admitted to practice law in the State of New York and before this Court. The statements made in this declaration are based upon my personal knowledge, including upon information provided to me by colleagues or other personnel working under my supervision in this case. I submit this declaration in support of the Beastie Boys Defendants' Bill of Costs submitted herewith.

2. The Beastie Boys Defendants' Bill of Costs seeks taxation of costs totaling \$3,569.65 for deposition transcript fees and expenses incurred in the depositions of three witnesses: Tony Fisher, Will Scott and James Avery (collectively, the "Depositions").


3. True and correct copies of the invoices for the Depositions are attached hereto as Exhibits A, B and C.

4. The transcripts of the Depositions were used by the defendants in support of their successful motion for summary judgment (see Document Nos. 79-3, 79-4 and 80-26) and therefore are allowable by law.

5. The amount of \$3,569.65 listed on the Bill of Costs for the deposition transcript fees and expenses associated with the Depositions is correct and has been necessarily incurred in the case, and the services for which fees have been charged were actually and necessarily performed.

I declare upon penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: April 27, 2015  
New York, New York

  
\_\_\_\_\_  
Thomas M. Monahan

# **EXHIBIT A**

**Veritext New York Reporting Co.**

330 Old Country Rd., Suite 300  
Mineola NY 11501  
Tel. (516) 608-2400 Fax. (516) 608-2450  
Fed. Tax ID: 20-3132569



**Bill To:** Thomas Monahan  
Sheppard Mullin Richter & Hampton LLP  
30 Rockefeller Plaza  
30th Floor  
New York, NY, 10112-0015

**Invoice #:** NY2038783  
**Invoice Date:** 5/19/2014  
**Balance Due:** \$1,266.00

**Case:** Tufamerica, Inc. v. Diamond, Et Al. **21ZW-193602**  
**Job #:** 1858527 | **Job Date:** 5/6/2014 | **Delivery:** Expedited  
**Billing Atty:** Thomas Monahan  
**Location:** Sheppard Mullin  
30 Rockefeller Plz | 39th Fl | New York, NY 10112  
**Sched Atty:** Thomas Monahan | Sheppard Mullin Richter & Hampton LLP

Witness	Description	Units	Quantity	Price	Amount
Will Scott	Original with 1 Certified Transcript	Page	244.00	\$4.50	\$1,098.00
	CD Depo Litigation Package	Per CD	1.00	\$39.00	\$39.00
	Attendance Fee	1	2.00	\$45.00	\$90.00
	Shipping & Handling	Package	1.00	\$39.00	\$39.00
<b>Notes:</b>  JUN 18 2014 ACCOUNTING				<b>Invoice Total:</b>	\$1,266.00
				<b>Payment:</b>	\$0.00
				<b>Credit:</b>	\$0.00
				<b>Interest:</b>	\$0.00
				<b>Balance Due:</b>	\$1,266.00

**TERMS:** Payable upon receipt. Accounts 30 days past due will bear a finance charge of 1.5% per month. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees. Contact us to correct payment errors. No adjustments will be made after 90 days. For more information on charges related to our services please consult <http://www.veritext.com/services/all-services/service-information>



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*OK*  
*Prunex*  
*[Signature]*  
*[Signature]*

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P.O. Box 71303  
Chicago IL 60694-1303

**Invoice #:** NY2038783  
**Job #:** 1858527  
**Invoice Date:** 5/19/2014  
**Balance:** \$1,266.00

# **EXHIBIT B**



**Veritext New York Reporting Co.**

330 Old Country Rd., Suite 300  
Mineola NY 11501  
Tel. (516) 608-2400 Fax. (516) 608-2450  
Fed. Tax ID: 20-3132569



**Bill To:** Theodore C. Max, Esq  
Sheppard Mullin Richter & Hampton LLP  
30 Rockefeller Plaza  
30th Floor  
New York, NY, 10112-0015

**Invoice #:** NY2030956  
**Invoice Date:** 5/8/2014  
**Balance Due:** \$1,188.20

**Case:** Tufamerica, Inc. v. Diamond, Michael, Et Al, 212W-193602  
**Job #:** 1853209 | **Job Date:** 5/1/2014 | **Delivery:** Normal  
**Billing Atty:** Theodore C. Max, Esq  
**Location:** Jenner & Block  
1099 New York Avenue NW | Suite 900 | Washington, DC  
20001  
**Sched Atty:** | Jenner & Block LLP

Witness	Description	Units	Quantity	Price	Amount
Tony Fisher	Certified Transcript	Page	315.00	\$3.50	\$1,102.50
	Exhibits	Per Page	24.00	\$0.15	\$3.60
	CD Depo Litigation Package	Per CD	1.00	\$39.00	\$39.00
	Exhibits Scanned-Searchable - OCR	Per page	24.00	\$0.15	\$3.60
	Shipping & Handling	Package	1.00	\$39.50	\$39.50
<b>Notes:</b>				<b>Invoice Total:</b>	\$1,188.20
				<b>Payment:</b>	\$0.00
				<b>Credit:</b>	\$0.00
				<b>Interest:</b>	\$0.00
				<b>Balance Due:</b>	\$1,188.20

**TERMS:** Payable upon receipt. Accounts 30 days past due will bear a finance charge of 1.5% per month. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees. Contact us to correct payment errors. No adjustments will be made after 90 days. For more information on charges related to our services please consult <http://www.veritext.com/services/all-services/service-information>



\* 9 0 0 3 1 2 6 1 8 \*

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OK to pay  
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P.O. Box 71303  
Chicago IL 60694-1303

**Invoice #:** NY2030956  
**Job #:** 1853209  
**Invoice Date:** 5/8/2014  
**Balance:** \$1,188.20

# **EXHIBIT C**

**Veritext New York Reporting Co.**

330 Old Country Rd., Suite 300  
Mineola NY 11501  
Tel. (516) 608-2400 Fax. (516) 608-2450  
Fed. Tax ID: 20-3132569



**Bill To:** Theodore C. Max, Esq  
Sheppard Mullin Richter & Hampton LLP  
30 Rockefeller Plaza  
30th Floor  
New York, NY, 10112-0015

**Invoice #:** NY2030936  
**Invoice Date:** 5/8/2014  
**Balance Due:** \$1,115.45

**Case:** Tufamerica, Inc. v. Diamond, Michael, Et Al, 212W-193602  
**Job #:** 1853208 | Job Date: 4/30/2014 | Delivery: Normal  
**Billing Atty:** Theodore C. Max, Esq  
**Location:** Jenner & Block  
1099 New York Avenue NW | Suite 900 | Washington, DC  
20001  
**Sched Atty:** | Jenner & Block LLP

Witness	Description	Units	Quantity	Price	Amount
James Avery	Certified Transcript	Page	283.00	\$3.50	\$990.50
	Exhibits	Per Page	132.00	\$0.15	\$19.80
	CD Depo Litigation Package	Per CD	1.00	\$39.00	\$39.00
	Exhibits Scanned-Searchable - OCR	Per page	132.00	\$0.15	\$19.80
	Shipping & Handling	Package	1.00	\$46.35	\$46.35
<b>Notes:</b>				<b>Invoice Total:</b>	\$1,115.45
				<b>Payment:</b>	\$0.00
				<b>Credit:</b>	\$0.00
				<b>Interest:</b>	\$0.00
				<b>Balance Due:</b>	\$1,115.45

**TERMS:** Payable upon receipt. Accounts 30 days past due will bear a finance charge of 1.5% per month. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees. Contact us to correct payment errors. No adjustments will be made after 90 days. For more information on charges related to our services please consult <http://www.veritext.com/services/all-services/service-information>



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MAY 13 2014  
ACCOUNTS

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*[Signature]*

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Please remit payment to:  
Veritext  
P.O. Box 71303  
Chicago IL 60694-1303

**Invoice #:** NY2030936  
**Job #:** 1853208  
**Invoice Date:** 5/8/2014  
**Balance:** \$1,115.45

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TUFAMERICA, INC.,

Plaintiff,

v.

Case No. 12 CV 3529 (AJN)

**CERTIFICATE OF SERVICE**

MICHAEL DIAMOND, ADAM HOROVITZ,  
and ADAM YAUCH, p/k/a BEASTIE BOYS,  
UNIVERSAL MUSIC PUBLISHING, INC.,  
UNIVERSAL MUSIC PUBLISHING GROUP,  
BROOKLYN DUST MUSIC, and CAPITOL  
RECORDS, LLC,

Defendants.

-----X

I, Thomas M. Monahan, hereby certify that, on April 27, 2015, the defendants Michael Diamond, Adam Horovitz, the Estate of Adam Yauch and Brooklyn Dust Music's Notice of Filing of Bill of Costs and of Request to Clerk to Tax Costs, Bill of Costs, and Declaration of Thomas M. Monahan in Support of the Beastie Boys Defendants' Bill of Costs, with exhibits, were filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and/or the Southern District's Rules on Electronic Service, upon all counsel of record.

Dated: New York, New York  
April 27, 2015

/s/ Thomas M. Monahan  
Thomas M. Monahan